

ORIGINAL

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NORTHERN DIST. OF TX
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CPJ

Case Number: 14-0637

IN-LAW, COURT OF RECORD
AT THE TEXAS SUPREME COURT
FOR THE STATE OF TEXAS

*Fed Dist. Court
Northern Dist of Tex
Lubbock Div*

In re: Scott Alan [Odam]

Original Proceeding From:

5-14CV0154-C

Court of Appeals Number. 07-14-00292-CV

Trial Court Number: 014-512,096

MOTION FOR WAIVER OF FEES

(in the nature of an ORDER)

If this case is in an improper jurisdiction, venue, or court, the court will inform Relator of such proper jurisdiction, venue or court, and MOVE THE CASE to a court of proper jurisdiction or venue, such that proper and complete remedy may be provided. In the case of any denial of remedy, this court will inform the Relator of the proper court and procedure to obtain relief. If the magistrate tribunal finds cause of lack of authority to provide remedy, it shall be documented in writing with a finding of fact and conclusions at law. The Writ of Mandamus being necessary to establish standing for First Amendment Redress, can be done in chambers without oral argument, shall be the first order of business and shall be moved up on the calendar to the earliest possible date, to establish proper standing to obtain complete remedy. Relator being about his own business, unrepresented, therefore is not subject to formal procedures of rules and law.

TO THE HONORABLE COURT OF RECORD:

Comes now Scott Alan [Odam], Relating as Aggrieved Accused (hereinafter "Claimant"), and requires this "Order of Waiver" entitled "Motion" (as per the deputy clerk's requirements and as such is not meant to diminish said court or standing of the Claimant), who requires waiver of fee by this court-of-record, for the redress herein brought as a matter of right (as courts of necessity or recourse) to collateral attack the ruling of the Court of Appeals and the preceding Memorandum for Fee Waiver

actions from the 72nd State District Court, Lubbock County Court at Law #3 and Lubbock Municipal Court.

Claimant requires waiver of any fees as this matter is brought pursuant to his natural unalienable rights (*c.f.* the Bill of Rights Article I, right to redress grievances). Any requirement to exchange property to secure a right is to abrogate the right (*Murdock v Pennsylvania*).

Claimant respectfully demands a ruling pertaining to the filing without cost in said court and if necessary a refund of fees paid in deprivation of Claimant's right of redress, wrongfully charged and any such fees are paid under threat, duress, and coercion, only to allow for right of redress.

This hearing is to be without oral argument and at the earliest convenience of said court, unless objected to for good cause in writing.

MEMORANDUM IN SUPPORT

The provisions of Texas Rules of Civil Procedure (Tex. R. Civ. P.) do not apply in this case nor the rules of court, except as a guide, where Claimant's "motion" must be construed liberally. Claimant has a natural right to enter the courts without cost, and bases this position on the following law and facts:

FEES

Claimant has no lawful money of the United States with which to tender a payment of costs, fees, etc. Claimant requires that the court enroll as a matter of pertinent fact, the "Report to the Congress of the Gold Commission on the Role of Gold in the Domestic and international Memorandum for Fee Waiver

Monetary Systems" March 1982, together with the arguments of law that follow. Claimant cannot be charged a fee, as no charge can be placed as a condition precedent to the exercise of a constitutional protected right. A fee is:

"A charge fixed by law for services of public officers or for use of a privilege under control of government." *Fort Smith Gas Co. v. Wiseman* 189 Ark. 675 74 SW. 2d 789, 790, from *Black's Law Dictionary* 5th Ed.

The Claimant sought no service or use of any privilege. It is a rule of law that governments were instituted by the people for the fundamental reason of protection of property rights, as this is the basis of a free society. It is a moot point that the state should not charge Claimant for the opportunity to exercise this fundamental right of due process. How can mere rules overrun the Law of the Land? They cannot.

While members of the bar may be required to tender filing fees for the privilege of entering court, Claimant in this instance cannot. Charging filing fees appears to be based upon these premises:

1. ALL CASES ARE HANDLED BY LICENSED ATTORNEYS: Usually the defendant is represented by an attorney, who is an officer of the court, practicing law, and requiring a fee for services. As this privilege of being represented by such officer is granted by government to the defendant so choosing, it follows that a fee could be charged for filing appearances in the courts. It must be remembered that attorneys come into the courts as a matter of business. They enter the courts at the grace of, and as members of the court; not as a matter of fundamental right. It is fundamental that the grantor of any privilege can certainly impose any requirement (filing fees) as a condition of the privilege. However, in this case, the government has charged this Claimant with a crime, and this Claimant is simply defending his rights.

When the rights of the people for the "opportunity to defend life, liberty, or property" are secured in a court of justice (*c.f.* 5th Amendment), how can the clerk of the court seek to demand, as a condition of this right, a filing fee? It is an individual's right to be able to defend one's Life, Liberty, and Property in the courts. Therefore, it is the duty of the clerk of the court to file an answer or response for a "Defendant" /Relator, if he appears unrepresented and not by attorney. This Claimant is appearing unrepresented about his own business not pro se, which term means "as his own attorney". This Claimant does not choose to be represented by a member of the bar, but chooses to appear in court on his own behalf to defend his Life, Liberty, and Property against the claims of the respondents.

2. HE WHO SEEKS EQUITY MUST PAY: In Equity, the rule is that one comes to equity voluntarily. If two parties of interest wish to enter equity proceedings in order to settle a dispute then, as a minimum, the plaintiff may be charged a fee to file pleadings. In addition, any attorney may be charged a filing fee whether he represents a party as a plaintiff or a defendant and all corporations and regulated enterprises must also pay filing fees. However, this is a criminal case. The Claimant did not bring the action, nor consent to the jurisdiction, as Claimant did not consider the alleged act a proper cause of action. Where the government seeks to enforce a complaint upon rights, and when the "defendant" is of the people and natural person, the due process clauses as delineated in the constitutions prevail. This is a substantive rights issue. Due process means at least notification and opportunity to defend. How can the Claimant defend when the rules apply a condition to the right of redress?

The Court is reminded that:

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." *Miranda v. Arizona* 384 US 436, 491p"

The Claimant would like to remind the court that the Claimant is not in the court as a plaintiff, but as a "defendant" (Respondent/Claimant) who has been accused of a crime by governing officials, under color "in this state". The Claimant has been compelled into the judicial system, under threat, duress and coercion and does not appear on his own volition. Claimant has been compelled into the judicial system to seek redress of grievance, or this state will deprive him of his Life, Liberty, and/or Property. **The Claimant does not desire to have the transcripts, or even to move forward in this case, but since the state and it's county has found it necessary to prosecute this Claimant, this Claimant has no alternative but to defend against the action.**

NATURAL RIGHT TO COURT TRANSCRIPTS

In order to properly prepare and adequately defend against the charges of the government, the **Claimant must demand** and use any and all information available, and all Rights secured and protected in the Constitutions of the United States and the State of Texas, to include **transcripts** of past hearings required by the higher court.

Courts cannot adhere to the position that a system of Due Process "without sale" is only for the prosecuting attorney at taxpayer expense, and that the state has a right to "sell" justice to the Defendant. No accused man should have to petition government for justice or, "buy" or "purchase" justice from government; and no man should be discriminated against or provided "prejudicial" justice "for sale" because he is such rather than a prosecuting attorney.

Justice cannot be sold to the Claimant, and it is not appropriate that the court should order the Claimant to defray any costs to receive Justice, Due Process, and equal protection under the law.

The Plaintiff brought the charges forward against the Claimant. Now let the Plaintiff fully accept the burden of defending these wrongful allegations, at public expense, all the way to the United States Supreme Court.

As stated above, it appears on the surface, that charges for responsive filings and necessary court transcripts are to prohibit and discourage the people from redress, as it would be far cheaper and much easier to simply submit to the charges of the "king's agents" and his "chancery color of law" traffic court, rather than exercise the right of a prerogative Writ for redress.

It is the belief of this Claimant that filing a Writ and having it heard in any criminal case is a matter of Right, and there can be no charges to exercise a Right. Claimant recognizes the excessive cost of preparing transcripts for all cases, but the Plaintiff is the keeper of the public monies. It is the Plaintiff who brings criminal charges before the courts. It is the Plaintiff who made the requirement for transcripts and it is the Plaintiff who provides itself transcripts at no cost while charging the people. Therefore, the Plaintiff should be prepared to pay for defense of those charges, at public expense, all the way to the Supreme Court of the United States, and it is the Plaintiff who should be charged the filing fees -not the people. If the Plaintiff is not so prepared, then the Plaintiff should be a little more selective in whom is charged, arrested, and taken to trial.

The Claimant objects to any "costs for justice" and "Due Process", and shudders to conclude that the only reason the rules require Claimant to bear the burden of these costs in defense of Life, Liberty, and Property, is to cause an undue expense and hardship upon the

Memorandum for Fee Waiver

Claimant in an effort to thwart, hinder, and discourage Claimant from moving beyond the lower magistrates.

NATURAL "STATE" CITIZENS VS CORPORATIONS

It appears that the filing fee rule was made for creations or subjects of the state, but is being applied to the people. The state is the creator and regulator of most trade, commerce, and industry through the corporate licensing scheme.

"...the corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its rights to act as a corporation are only preserved to it so long as it obeys the laws of its creator.

There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that a state, having chartered a corporation to make certain franchises, could not in the exercise of its sovereignty inquire how those franchises had been employed, and whether they had been abused,..." *Hale v. Henkel*, 201 US 43; 74, 75.

"The term resident and citizen of the United States is distinguished from a Citizen of one of the several states, in that the former is a special class of citizen created by Congress." *US. v. Anthony*, 24 Fed. 829 (1873)

"There is in our political system [two governments], a government of the Several [50] States; and a government of the United States. Each is distinct from the other and has citizens of its own. A person may be a citizen of the United States and of a State, and as such has different rights." *U.S. v. Cruikshank*, 92 U.S. 542, 23 L.Ed. 588, (1875).

"The idea prevails with some-indeed, it found expression in arguments at the bar-that we have in this country substantially or practically two national governments; one to be maintained under the Constitution, with all its restrictions; the other to be maintained by Congress outside and independently of that instrument, by exercising such powers as other nations of the earth are accustomed to exercise. ...No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the Constitution". *Downes v. Bidwell*, 182 U.S. 244 (1901).

The State is sovereign over any trade, commerce, and industry it regulates under the police powers of the state. Therefore, the state can pass any statute it desires to control or regular those entities, to include statutes that would, if applied to the people, violate constitutional protections. The state can control every action of regulated enterprises but cannot apply that class of statutes to the people. The Supreme Court of the United States fully understands the difference between the people and a corporation or regulated enterprise and they have stated:

"..we are of the opinion that there is a clear distinction ... between an individual and a corporation,... The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to intimidate him. He owes no such duty to the State, since he receives nothing therefore, beyond the protection of his life and property. His rights are as existed by the law of the land long antecedent to the organization of the State, and can only be taken away from him by due process of law, and in accordance with the constitution... He owes nothing to the public so long as he does not trespass upon their rights." *Hale v. Henkel*, supra.

Since an individual "owes no duty to the State", the State cannot require any specific performance from him in the exercise of a right, or that performance abrogates the right. The legislature can pass any statute, and the courts can make any rule desired, to require subjects, corporations, regulated enterprises, and other licensed entities or professions to file fees with the court or any administrative agency. But where an issue pertaining to an individual who has constitutional protections are concerned, it becomes an issue of substance not mere form, because:

"Where rights secured by the constitution are concerned there can be no legislation or rule making that can abrogate them." *Miranda v. Arizona*, 384 US 491.

If the legislature or the courts, through legislation and rule making, can impose a tax or a fee upon the right of the people to petition the courts, then they have abrogated that right, and

justice is only for the rich. The principle behind this issue was clearly resolved by the Supreme Court in "*The Passenger Cases*" where they stated:

"...every citizen of the United States from the most remote States or territories, is entitled to free access, not only to the principle departments established at Washington, but also to its judicial tribunals and public offices in every State in the Union..." 2 *Black* 620; Also see *Crandell v. Nevada*, 6 Wall 35.

The term here is "Citizen" not corporation or regulated enterprises. If the legislature or the judiciary can charge a "Citizen" \$1.00 a page to exercise the right of redress, it can charge \$1,000 per page. Any costs demanded from a natural "Citizen" is a limitation and restriction upon the use of the courts, which amounts to nothing more than a blatant fraudulent abrogation of rights.

This principle was further expounded upon in an Illinois case in a civil action where a citizen petitioned for a writ of mandate because he couldn't afford the filing fees, and the court held that a person need not be a pauper to proceed as a poor person. They stated that:

"In no event can the court legally require that the application for leave to sue as a poor person should be accompanied by the agreements and the affidavit which are required by the rule and which have been herein above in this opinion particularly referred to. We are also of the opinion that it is unnecessary that either the applicant's attorney or the court should be satisfied that the applicant is a pauper. Many persons who are not paupers may rightfully be permitted by the courts to commence and prosecute actions as poor persons. There are other meritorious objections to this rule, but we deem it unnecessary to discuss them." *The People v. Chytraus*, 228 Ill 194.

Illinois recognizes a difference between poor persons and paupers. It appears that a pauper has no boot nor anything to pour out of it, whereas a poor person may have a boot, but little to pour out of it because of debt servitude to the welfare state. Therefore, in Illinois,

"Citizens" have the right to sue in civil cases even when they have limited funds. Can the requirements to redress in criminal cases be more stringently applied in civil cases?

As pointed out in "The Passenger Cases", "Citizens" have the inalienable right of entry to the Judicial system and cannot be regulated or controlled as can creations of the state. This Claimant will follow all of the Rules (Guides) as understood and will not knowingly violate them unless said Rule violates a constitutional protection, and the court should not need reminding that people acting in their own behalf are held:

"...to less stringent standard than formal pleadings by lawyers." *Haines v. Werner*, 404 US 519.

The Claimant again reminds the court that this Claimant does not appear in this case of his own volition and the record will clearly show that he has been compelled into an alien and foreign jurisdiction from his Christian Common Law and has been forced to defend or lose Life, Liberty, and Property.

Had the Claimant been the moving party in this action, then there may have been some validity in attempting to charge fees. However, in this case the state has criminally prosecuted and **the Claimant has the right to all transcripts or any other documentation the state requires for redress, and the Claimant hereby demands, as a matter of right, all such documentation.**

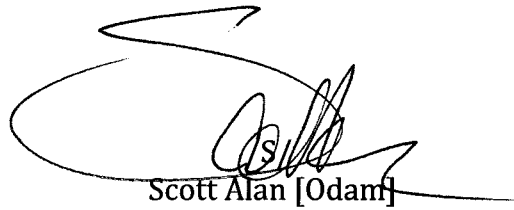
Wherefore, due to the above mentioned circumstances and facts the **Claimant requires the court to move** and accept this case without fee and to provide the lower court's records requested as a matter of right and "without fee".

CONCLUSION

Therefore by virtue of *Marbury v Madison*, *Murdock v Pennsylvania*, and *Crandell v Nevada* where it is declared that no state shall charge for the enjoyment of a right, any law or rule that is repugnant to the constitution is null and void, the court then should waive the fee.

VERIFICATION

My name is Scott Alan [Odam], I declare under penalty of perjury that the foregoing is true and correct. Executed at Lubbock County, State of Texas, on the 21 day of August, A.D., 2014.



Scott Alan [Odam]
c/o 2119 56th St
Lubbock, Tex

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Case Number: 14-0637

*IN-LAW, COURT OF RECORD
AT THE TEXAS SUPREME COURT
FOR THE STATE OF TEXAS*

In re: Scott Alan [Odam]

Original Proceeding From:
Court of Appeals Number. 07-14-00292-CV
Trial Court Number: 014-512,096

AFFIDAVIT IN SUPPORT OF
MOTION TO FILE WITHOUT PURCHASE

VERIFIED

(Any perceived use of your codes or legalese is for your reference purposes only, considered as "c.f." and not meant to create any presumption of benefit, legal duty or liability on my part, but to show that your beliefs coincide with my beliefs).

TO THE HONORABLE COURT OF RECORD:

Comes now Scott Alan [Odam], (non-human¹ and retaining natural unalienable rights²),
Relator (herein after "Claimant") in this original court-of-record, and files this memorandum by
affidavit for filing without purchase [per quad] [³][⁴], and for the following reasons shows:

¹ Human: **a branch of great apes**... <https://en.wikipedia.org/wiki/Human>.

² see John Quincy Adams, The Jubilee of the Constitution, 1839, pg. 54; see also Blackstone's Commentaries.

³ An action for [mandamus and] **declaratory relief is** neither legal nor equitable, but is **sui generis** [Cobb v. Harrington, 190 S.W.2d 709, 713, 144 Tex. 360 (1945); Texas Logos, L.P. v. Texas dept. of Transp., 241 S.W.3 105, 116-117 (Tex. App.-Austin 2007, no pet.) (district court jurisdiction exists over declaratory judgment claim independently of any administrative remedy)].[45-5]

Fee only referenced in appellate rules, not in trial court. This is not an appeal.

1. **I am a man**, an innocent party, of original American birthright (*See Exhibit A*), naturally from like parents and **without encumbrment**.
2. I am NOT a criminal convicted of any felony or treason attainted or corrupted of blood.
3. I am **NOT a negro, mongoloid**, alien or member of any class of natural beings **or artificial persons** not held to have the full and complete rights, privileges and immunities of every National Citizen⁵ from the indigenous lands of America or American National.
4. I am **not an attorney nor professional barrister nor pro-se plying his trade** in the court system creating a commercial condition requiring fees to enter into Court.
5. **The court is directed and mandated to TAKE AND FILE AND RECORD this Claim** made in accordance with law [*c.f.*]⁶[⁷]⁸[⁹]¹⁰, [also *c.f.* to Fed. R. Civ. P. 79 and Fed. R. Civ. P. 5], **without purchase** or limitation thereto.

⁴ **Sui generis**: One confined to his, or her, own facts, and therefore may not be of broader application; **being the only example of its kind; constitution a class of its own; unique**. Black's Law

⁵ *Ibid.* 2.

⁶ **A court of recourse is free to the people**. 2 Danbil 259

⁷ CHAPTER 152, ORIGINAL PROCEEDINGS IN COURT OF APPEALS AND SUPREME COURT, § 152.04[4] Trial Court Procedure - In general, original proceedings instituted in Texas trial courts are governed by the same jurisdictional requirements that are applicable to ordinary civil actions. This usually means that an original proceeding brought in a Texas trial court will be instituted in a district court because a district court's subject matter jurisdiction is broad... An original proceeding commenced in a trial court is governed by the Texas Rules of Civil Procedure. ...Nonetheless, because the remedy is extraordinary, special pleading principles may apply to original proceedings commenced in a trial court. *Dorsaneo, Texas Litigation Guide*.

⁸ TEXAS RULES OF CIVIL PROCEDURE, PART I - GENERAL RULES, RULE 1 - OBJECTIVE OF RULES. The proper objective of rules of civil procedure is to obtain a just, fair, equitable and impartial adjudication [agency adjudicative hearing] of the rights of litigants under established principles of substantive law [Enabling statutes creating specific responsibilities of the agency]. To the end that this objective may be attained with as great expedition and dispatch and at the least expense both to the litigants and to the state as may be practicable, these rules shall be given a liberal construction. [Liberal: Free in giving; generous; not mean or narrow-minded; **not literal or strict**]

⁹ [*Supremacy clause*] Fed. R. Civ. P. 17. PROCEDURE IN AN ORIGINAL ACTION

1. This Rule applies only to an action invoking the Court's original jurisdiction under Article III of the Constitution of the United States. See also 28 U. S. C. §1251 and U. S. Const., Amdt. 11. A petition for an extraordinary writ in aid of the Court's appellate jurisdiction shall be filed as provided in Rule 20.

2. The form of pleadings and motions prescribed by the Federal Rules of Civil Procedure is followed. In other respects, those Rules[these rules] and the Federal Rules of Evidence may be taken as guides. [Charges not mandatory for docket of original jurisdiction - Charges are to be used as guides (or for attorneys applying their trade)]

¹⁰ GOVERNMENT CODE, TITLE 2, SUBTITLE I. COURT FEES AND COSTS, CHAPTER 101. FILING FEES AND OTHER FEES AND COSTS IN CIVIL PROCEEDINGS

6. THE STATE OF TEXAS, LUBBOCK COUNTY AND THE CITY OF LUBBOCK are municipal corporations of THE STATE OF TEXAS [¹¹][¹²], TEXAS DEPARTMENT OF PUBLIC SAFETY¹³ is an agency of THE STATE OF TEXAS, Greg Abbott (A.G.), **Mark Hocker**, Aurora Hernandez, **Robert Doty**, Tom Brummett, R. Clay Kimbrough, John Grace, J. Shinn, Knesbit, **are natural men and women and co-conspirators acting in their personal capacity outside of oath of office or outside the laws of the United States of America and in breach of contract.**

7. This case relates to a complaint in which Claimant is charged with a crime. In order for a crime to exist, four elements must exist; (1) there must be a clearly defined crime or criminal action; (2) there must be a victim; (3) that the victim must have been damaged or injured, and (4) the criminal intent must be established on the part of the accused. Without proof of all four elements no action can be considered criminal. In this matter, the Claimant is the victim, the Mandamus sets the issues and defines the crimes, and the intent was established by proof that the Wrongdoers were Noticed and Warned of their wrongs and what was required to right them. Their failing to rebut the verification or prove their own claims, the contractual requirement of this Claimant's commercial verification of notice and warning, the Wrongdoers acted willfully against this Claimant.

8. **The Claimant exercises his inalienable natural given right** against respondents, legislative entities, and its officers **for a redress of grievances** (fraud, extortion, theft, plus other noted wrongs) without cost by the verified Criminal Complaint in law as an "American National" and **protected** pursuant to the commercial instrument of the People known as the Constitution for the

SUBCHAPTER A. GENERAL PROVISIONS,

Sec. 101.001. APPLICABILITY OF OTHER LAW. (a) To the extent of any conflict between the provisions of this chapter and another state statute, the other statute prevails.

(b) The organizational structure of this subtitle and the statutory placement of a court fee or cost within that organizational structure [Local Government Code] does not:

(1) affect a duty imposed on or the authority granted to a judge or clerk of a court by any other state statute with respect to the imposition, assessment, or collection of the fee or cost; or

(2) impose a duty on or grant authority to a judge or clerk of a court not otherwise imposed or granted by other law with respect to the imposition, assessment, or collection of the fee or cost.

¹¹ "Today's new rule emphasizes the dominance of the corporation, a creature of the legal imagination. FN2" *State Tax Commission of Utah v. Aldrich*, 316 U.S. 174, 187 (1942). "A corporation is defined by John Marshall as 'an artificial being, invisible, intangible, and existing only in contemplation of law.' *Trustees of Dartmouth College v. Woodward*, 4 Wheat. 5189, 636. The New York Court of Appeals has said: 'A corporation, however, is a mere conception of the legislative mind. It exists only on paper through the command of the Legislature that its mental conception shall be clothed with power.' *People v. Kinnapp*, 206 N.Y. 373, 381, 99 N.E. 841, 844, Ann.Cas. 1914B, 243.

¹² "[C]ourts must look behind names that symbolize the parties to determine whether a justiciable case or controversy is presented." *United States v. Interstate Commerce Commission*, 337 U.S. 426 at 430 (1949).

¹³ Ibid.

State of Texas and the parallel sections of the Constitution for the United States of America, United States Codes, the United States Criminal Codes, the Federal Rules of Criminal Procedure and the Federal Rules of Civil Procedure.

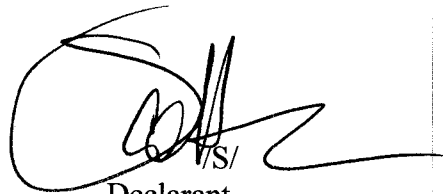
9. Therefore, the Claimant sets forth to the candid community the abuses of FELONY, HIGH CRIMES and MISDEMEANORS by the Wrongdoers.

10. As the Claimant verifying in the instant matter, **I am reporting**, by VERIFIED INFORMATION, to the Court and the Attorney General, what I believe to be the competent authorities to which **knowledge of criminal actions** should be reported and a case opened by the United States Attorney.

11. This VERIFIED INFORMATION is filed pursuant to law, [*c.f.* Code Crim. Proc. § 2.03¹⁴; also *c.f.* (supremacy clause): 18 U.S.C. RULE 4, the Fed. R. Crim. P. 3 - COMPLAINT; Fed. R. Crim. P. 6 - THE GRAND JURY; Fed. R. Civ. P. 79 and Fed. R. Civ. P. 5].

VERIFICATION

My name is Scott Alan [Odam], I declare under penalty of perjury that the foregoing is true and correct. Executed at Lubbock County, State of Texas, on the 22 day of August, A.D., 2014.



Declarant
Scott Alan [Odam]
c/o 2119 56th St
Lubbock, Tex

¹⁴ 2.03 *Neglect of duty – (a) it shall be the duty of the attorney representing the State to present by information to the court having jurisdiction, any officer for neglect or failure to any duty ...whenever it shall come to the knowledge of said attorney; and he shall bring to the notice of the grand jury.

Scott Alan [Odam]	or: c/o
General Post - for pickup by	2119 56th St
Scott Alan Odam, non-resident	Lubbock, Tex, non-domestic [79412]
Lubbock [79408]	[Not a registered office/or agent
scottodam@suddenlink.net	

AT THE SUPREME COURT OF TEXAS

CAUSE NO: _____

IN RE: SCOTT ALAN [ODAM]

ORIGINAL PROCEEDING
c.f. MANDAMUS

ORDER TO
FAITHFULLY TAKE, FILE AND RECORD
CLAIM IN LAW, FREELY AND WITHOUT PURCHASE

(Any perceived use of your codes is for your reference purposes only, considered as "c.f." and not meant to create any presumption of benefit, legal duty or liability on my part, but to show that your beliefs coincide with my beliefs).

TO THE HONORABLE COURT OF RECORD:

Comes now Scott Alan [Odam], a man and Prosecutor in this original court-of-record, and files this memorandum and order [per quad] for filing without purchase [¹]

[²], and for the following reasons shows:

Fee only referenced in appellate rules, not in trial court. This is not an appeal.

1. **I am a man**, an innocent party, of original American birthright (*See Exhibit A*), naturally from like parents and **without encumberment**.
2. I am NOT a criminal convicted of any felony or treason attainted or corrupted of blood.
3. I am NOT a **negro, mongoloid**, alien or member of any class of natural beings or **artificial persons** not held to have the full and complete rights, privileges and immunities of every National Citizen from the indigenous lands of America or American Citizen.
4. I am **not an attorney nor professional barrister nor pro-se** plying his trade in the court system creating a commercial condition requiring fees to enter into Court.
5. **The clerk is directed, mandated and ordered to TAKE AND FILE AND RECORD this Claim** made upon this court in accordance with law [*c.f.*][³][⁴][⁵][⁶][⁷][⁸], [also *c.f.* to Fed. R. Civ. P. 79 and Fed. R. Civ. P. 5], **without purchase** or limitation thereto.

¹ An action for **declaratory relief** is neither legal nor equitable, but is **sui generis** [*Cobb v. Harrington*, 190 S.W.2d 709, 713, 144 Tex. 360 (1945); *Texas Logos, L.P. v. Texas dept. of Transp.*, 241 S.W.3 105, 116-117 (Tex. App.-Austin 2007, no pet.) (district court jurisdiction exists over declaratory judgment claim independently of any administrative remedy)].[45-5]

² **Sui generis**: One confined to his, or her, own facts, and therefore may not be of broader application; **being the only example of its kind; constitution a class of its own; unique**. Black's Law

6. THE STATE OF TEXAS, THE CITY OF LUBBOCK is a municipal corporation of THE STATE OF TEXAS [⁹][¹⁰], TEXAS DEPARTMENT OF PUBLIC SAFETY is an agency of THE STATE OF TEXAS, Greg Abbott (A.G.), **Mark Hocker**, Aurora Hernandez, **Robert Doty**, Tom Brummett, R. Clay Kimbrough, John Grace, J. Shinn, Knesbit, **are natural men and**

³ "He has the right of free access to ...courts of justices in the several states." *Crandall v Nevada*, 73 U.S. (6 Wall.) 35 (1867).

⁴ A court of recourse is free to the people. 2 Danbil 259

⁵ CHAPTER 152, ORIGINAL PROCEEDINGS IN COURT OF APPEALS AND SUPREME COURT, § 152.04[4] Trial Court Procedure - In general, original proceedings instituted in Texas trial courts are governed by the same jurisdictional requirements that are applicable to ordinary civil actions. This usually means that an original proceeding brought in a Texas trial court will be instituted in a district court because a district court's subject matter jurisdiction is broad... An original proceeding commenced in a trial court is governed by the Texas Rules of Civil Procedure. ...Nonetheless, because the remedy is extraordinary, special pleading principles may apply to original proceedings commenced in a trial court. *Dorsaneo, Texas Litigation Guide.*

⁶ TEXAS RULES OF CIVIL PROCEDURE, PART I - GENERAL RULES, RULE 1 - OBJECTIVE OF RULES. The proper objective of rules of civil procedure is to obtain a just, fair, equitable and impartial adjudication [agency adjudicative hearing] of the rights of litigants under established principles of substantive law [Enabling statutes creating specific responsibilities of the agency]. To the end that this objective may be attained with as great expedition and dispatch and at the least expense both to the litigants and to the state as may be practicable, these rules shall be given a liberal construction. [Liberal: Free in giving; generous; not mean or narrow-minded; not literal or strict]

⁷ [Supremacy clause] Fed. R. Civ. P. 17. PROCEDURE IN AN ORIGINAL ACTION

1. This Rule applies only to an action invoking the Court's original jurisdiction under Article III of the Constitution of the United States. See also 28 U. S. C. §1251 and U. S. Const., Amdt. 11. A petition for an extraordinary writ in aid of the Court's appellate jurisdiction shall be filed as provided in Rule 20.

2. The form of pleadings and motions prescribed by the Federal Rules of Civil Procedure is followed. In other respects, those Rules [these rules] and the Federal Rules of Evidence may be taken as guides. [Charges not mandatory for docket of original jurisdiction - Charges are to be used as guides]

⁸ GOVERNMENT CODE, TITLE 2, SUBTITLE I. COURT FEES AND COSTS, CHAPTER 101. FILING FEES AND OTHER FEES AND COSTS IN CIVIL PROCEEDINGS SUBCHAPTER A. GENERAL PROVISIONS,

Sec. 101.001. APPLICABILITY OF OTHER LAW. (a) To the extent of any conflict between the provisions of this chapter and another state statute, the other statute prevails.

(b) The organizational structure of this subtitle and the statutory placement of a court fee or cost within that organizational structure [Local Government Code] does not:

(1) affect a duty imposed on or the authority granted to a judge or clerk of a court by any other state statute with respect to the imposition, assessment, or collection of the fee or cost; or

(2) impose a duty on or grant authority to a judge or clerk of a court not otherwise imposed or granted by other law with respect to the imposition, assessment, or collection of the fee or cost.

⁹ "Today's new rule emphasizes the dominance of the corporation, a creature of the legal imagination. FN2" *State Tax Commission of Utah v. Aldrich*, 316 U.S. 174, 187 (1942). "A corporation is defined by John Marshall as 'an artificial being, invisible, intangible, and existing only in contemplation of law.' *Trustees of Dartmouth College v. Woodward*, 4 Wheat. 5189, 636. The New York Court of Appeals has said: 'A corporation, however, is a mere conception of the legislative mind. It exists only on paper through the command of the Legislature that its mental conception shall be clothed with power.' *People v. Kinapp*, 206 N.Y. 373, 381, 99 N.E. 841, 844, Ann.Cas. 1914B, 243.

¹⁰ "[C]ourts must look behind names that symbolize the parties to determine whether a justiciable case or controversy is presented." *United States v. Interstate Commerce Commission*, 337 U.S. 426 at 430 (1949).

women and co-conspirators acting in their personal capacity outside of oath of office or outside the laws of the United States of America and in breach of contract.

7. This case relates to a complaint in which Claimant is charged with a crime. In order for a crime to exist, four elements must exist; (1) there must be a clearly defined crime or criminal action; (2) there must be a victim; (3) that the victim must have been damaged or injured, and (4) the criminal intent must be established on the part of the accused. Without proof of all four elements no action can be considered criminal. In this matter, the Claimant is the victim, the Mandamus sets the issues and defines the crimes, and the intent was established by proof that the Wrongdoers were Noticed and Warned of their wrongs and what was required to right them. Their failing to rebut the certification or prove their own claims, the contractual requirement of this Claimant's commercial certification of notice and warning, the Wrongdoers acted willfully against this Claimant.

8. **The Claimant exercises his inalienable natural given right** against respondents, legislative entities, and its officers **for a redress of grievances** (fraud, extortion, theft, plus other noted wrongs) without cost by the verified Criminal Complaint in law as an American National and protected pursuant to the commercial instrument of the People known as the Constitution for the State of Texas and the parallel sections of the Constitution for the United States of America, United States Codes, the United States Criminal Codes, the Federal Rules of Criminal Procedure and the Federal Rules of Civil Procedure.

9. Therefore, the Claimant sets forth to the candid community the abuses of FELONY, HIGH CRIMES and MISDEMEANORS by the Wrongdoers.

10. As the Claimant verifying in the instant matter, **I am reporting**, by VERIFIED INFORMATION, to the Court and the Attorney General, what I believe to be the competent authorities to which **knowledge of criminal actions** should be reported and a case opened by the United States Attorney.

11. This VERIFIED INFORMATION is filed pursuant to law, [*c.f.* Code Crim. Proc. § 2.03¹¹; also *c.f.* (supremacy clause): 18 U.S.C. RULE 4, the Fed. R. Crim. P. 3 - COMPLAINT; Fed. R. Crim. P. 6 - THE GRAND JURY; Fed. R. Civ. P. 79 and Fed. R. Civ. P. 5].

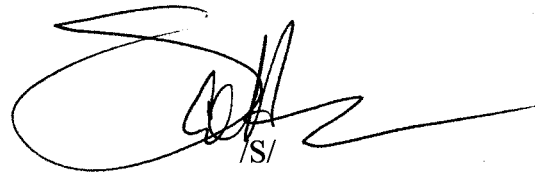
ORDER

¹¹ 2.03 *Neglect of duty – (a) it shall be the duty of the attorney representing the State to present by information to the court having jurisdiction, any officer for neglect or failure to any duty ...whenever it shall come to the knowledge of said attorney; and he shall bring to the notice of the grand jury.

12. **CLERK OF COURT - YOU ARE HEREBY ORDERED** to make known to a judge of court, consistent with law, [*c.f.*]¹² [¹³]¹⁴, the enclosed MANDAMUS.

VERIFICATION

My name is Scott Alan [Odam], I declare under penalty of perjury that the foregoing is true and correct. Executed at Lubbock County, State of Texas, on the 18 day of July, A.D., 2014.



Declarant
Scott Alan [Odam]
c/o 2119 56th St
Lubbock, Tex

¹² 18 U.S. Code § 4 - Misprision of felony. Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

¹³ 18 U.S.C. § 1506 - Theft or alteration of record or process; false bail **Whoever** feloniously steals, **takes away**, alters, falsifies, **or otherwise avoids any** record, **writ**, process, or other proceeding, **in any court of the United States**, whereby any judgment is reversed, made void, or does not take effect; **or Whoever** acknowledges, or **procures to be acknowledged in any such court**, any recognizance, bail, or judgment, in the name of any other person not privy or consenting to the same - **Shall be fined** under this title **or imprisoned** not more than five years, or both.

¹⁴ 18 U.S.C. § 2071(b) requires all clerks to record documents for the public. **Refusal to record public documents is concealment and is a felony with up to a 3 year prison sentence.**